

REMARKS

Reconsideration of this application is requested.

The applicants elect the claims of Group I, i.e. claims 1-9, for prosecution herein.

The applicants also elect the product of Example 3 as their elected species. New claim 15 is drawn to this species.

The elected species (claim 15) reads on claim 1 as follows:

A is optionally substituted phenyl (optional substitution is CH₃O- and -SO₃H)

B is optionally substituted phenylene (optional substitution is -OCH₂CH₂OH, i.e. 2-hydroxyethoxy)

n is 0

D is a pyrazolyl group

Ra, Rb are C₁₋₄-alkoxy

A is free of nitro groups.

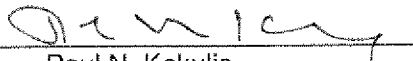
The non-elected claims are being retained herein pending the disposition of the elected Group I claims. The applicants respectfully submit that the non-elected claims should be allowable with the applicants' Group I claims as the non-elected claims depend, directly or indirectly, from claim 1 and, therefore, should be allowable with claim 1. It is further noted that the Groups II-IV claims have a common feature with claim 1 in that the compounds of claim 1 are used in the Groups II-IV claims. Accordingly, the Examiner is requested to reconsider the restriction requirement and examine all of the claims in the present case. It is noted in this regard that WO 03/095562, relied on by the Examiner as showing that applicants' claim 1 is not novel, is not citable herein. The WO disclosure is only Section 102(e) art against the applicants and thus is disqualified as prior art against the applicants under 35 U.S.C. 103(c)(1) because at the time the applicants made their invention, they had assigned or were under obligation to assign to the same person (Avecia Limited, now Fujifilm Imaging Colorants Limited), as owned the invention disclosed in WO 03/095562. The Examiner cannot, therefore, rely on the WO disclosure to suggest the restriction requirement.

The applicants respectfully submit that, in the circumstances, they are entitled to action on all of their claims in the present application and reconsideration of the restriction requirement is requested. However, to be responsive, the applicants have

elected the Group I claims and designated an election of species within the elected claims.

Favorable reconsideration of this application is requested.

Respectfully submitted,
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